

OCT 05 2006

Andrea Pair Bryant  
Attorney at Law  
[attvapb@austin.rr.com](mailto:attvapb@austin.rr.com)  
5202 Vista West Cove  
Austin, TX 78731-1163  
(512) 345- 5806 p  
(512) 345-0019 f

TO USPTO  
FAX (571) 273-8300  
DATE 5 Oct 06  
SUBJECT Appln Ser. No. 10/606,683

Response to Office Action  
mailed 5 July 06

Art Unit 2614

Ex. Gerald Baulthier

Pages including this cover sheet 10

OCT 05 2006


PTO/SB/21 (09-06)

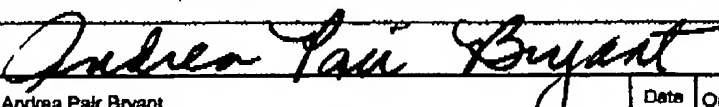
Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/806,683	
	Filing Date	June 26, 2003	
	First Named Inventor	Hughes	
	Art Unit	2614	
	Examiner Name	Gauthier	
Total Number of Pages in This Submission	10	Attorney Docket Number	AU8920030326US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Office Action mailed July 5, 2006		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Andrea Pair Bryant	
Date	October 5, 2006	Reg. No. 28,191

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being <u>facsimile</u> transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Andrea Pair Bryant	Date October 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

OCT 05 2006

AUS920030326US1

10/606,683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hughes, et al.  
Serial No.: 10/606,683  
Filing Date: June 26, 2003  
Group Art Unit: 2645  
Examiner: Gerald Gauthier  
For: **METHOD FOR PERSONALIZING  
COMPUTERIZED CUSTOMER SERVICE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

Applicants propose no changes to the above identified application. Rather, they argue for patentability over the references cited and applied by the Examiner in his office action mailed July 5, 2006. A clean copy of the claims, with status identifiers, is herewith included.

The Examiner has withdrawn his 35 USC 102 rejection of independent claims 1, 4, and 10 under 35 USC 102 (b) in view of US Patent 6,321,188 B1 to Hayashi et al. (Hayashi). He now rejects those claims under 35 USC 103 in view of Hayashi in combination with US Patent 6,925, 255 B2 to Reynolds et al. (Reynolds). Applicants traverse this rejection as well because the new reference, in their opinion, neither teaches nor suggests the feature of the invention described in Applicants' claims for which feature the Examiner cites Reynolds.

Applicants' claims in question describe a method, an apparatus and a computer program product for improving and/or enhancing user satisfaction with an automated computer system by ascertaining user language usage preferences, creating a user profile and then applying that profile to modify subsequent presentation from the system to that user.

Hayashi discloses apparatus for language translation, ABSTRACT. While provision is made for different languages selectable using buttons 16, Fig. 2, into which a user chosen phrase may be translated and communicated. There is no teaching of making a user

Response to July 5, 2006 Office Action October 5, 2006

Page 1 of 8

**BEST AVAILABLE COPY**

**AUS920030326US1****10/606,683**

profile and using it to modify subsequent presentations to the user. Hayashi has stored sets of phrases in each language, col. 2, lines 58-62.

The present invention, as claimed, enables a user to indicate language usage pattern preferences and thereafter have information presented using those preferences. This feature of taking user input, analyzing it and using the results of the analysis to modify subsequent presentations to the user is not found anywhere in Hayashi.

The Examiner in rejecting claim1, refers to Hayashi col. 10, lines 20-27 for disclosing Applicant's 'interactively ascertaining ...' step of claim 1. That part of Hayashi simply describes two apparatuses in communication with each other, one with Japanese selected and the other with English selected. It will be recalled that Applicants' invention may find utility in a situation where a user speaker of a language would be comfortable using an automated system employing that user's language usage pattern, Specification page 2, lines 3-15. On its face the reference deals with different languages with no discussion of a given user's preferred nuances of usage.

The Examiner then refers to Hayashi col. 10, lines 37-45 as showing Applicants' 'creating a user profile ...' step. Again Applicants disagree, finding that the pertinent section of the reference talks about user selection of a phrase, not anything being done within the apparatus to tailor subsequent presentations to the user.

For this step of creating a user profile... the Examiner cites Reynolds column 5, lines 20-30. As Applicants read Reynolds, they find a method an apparatus for routing calls based on a language preference. As shown in Reynolds Fig. 4 the indicators indicate Spanish and English, but no further granularity appears. Does the user want British or American English? Castilian or Mexican Spanish? Applicants concede that a user's language choice is stored and thereafter retrieved to facilitate communication.

In a similar manner, the Examiner refers to the paragraph at col. 10, lines 46-55 for showing Applicants' applying and presenting steps. Applicants traverse this assertion as well since Hayashi speaks only of how transmission may take place in response to user action.

Since Applicants traverse the Examiner's position with regard to claim 1, it follows that the rejection of claims 4 and 10 using the same parts of Hayashi in combination with Reynolds is also traversed. Further, the Examiner asserts that Applicants' 'means for storing' in claims 4 and 10 is shown at col. 11, lines 15-28 of Hayashi. This is not so. As there is no Hayashi equivalent to Applicants' 'means for analyzing ...' in order to ascertain user language usage preferences and the cited section of Reynolds does not build a user profile, there can be no means for storing what does not exist. Reynolds simply stores a user's language preference for a specific phone number.

Applicants' invention relates to improving user satisfaction when using automated computer or phone systems or the like. Applicants provide an improved user interface to

Response to July 5, 2006 Office Action October 5, 2006

Page 2 of 8

AUS920030326US1

10/506,683

whatever the system of which the invention is essentially a front end. Applicants invention prompts the user to indicate "language usage preferences" That phrase is used in all independent claims and is defined, explained on page 2 of the specification at lines 14-15. Further in the Summary on page 2 line 23 through page 3 line 5, Applicants provide an overview of how the prompted responses are stored and thereafter used to present information to that user. Applicants' invention provides a user of a given language to indicate preferred usage patterns such as pronouns, pacing and volume. Such in not found in the prior art cited and applied by the Examiner.

Hayashi is basically a translation device which may be used to facilitate communication between persons with different native tongues. Any changes which get stored are of a contextual nature. See for example Hayashi column 1, lines 28 - 51 wherein "categories" help in determining the meaning to be translated for identical words in Japanese. This contextual nuance is what Hayashi stresses.

Reynolds, on the other hand refers in its title and description to routing calls based on a language preference, not a language usage preference as Applicants describe and claim. Reynolds relates to user choice of language, not usage patterns within a language.

The Examiner then rejects under 35 USC 103(a) Applicants' dependent claims using various combinations of references, each combination including Hayashi and Reynolds. Applicants traverse all these rejections because of their interpretation of Hayashi and Reynolds.

Applicants agree that US 2002/0152244 A1 to Dean et al. (Dean) does disclose use of a Web browser. However the combination of Hayashi, Reynolds and Dean does not teach or suggest Applicants' features included in their claims 2, 5, and 13. Applicants point out their invention may be implemented on an interactive computer system which comprises a Web browser. Neither Hayashi, Reynolds nor Dean, together or separately, disclose a method, apparatus or computer program product for enhancing user satisfaction with an automated computer system as Applicants claim.

The Examiner next rejects Applicants' claims 3, 8, 9, 11, and 12 using the Hayashi - Reynolds combination further in combination with commonly assigned US Patent 6,584,180 B2 to Nemoto (Nemoto). Applicants agree with the Examiner that Hayashi - Reynolds fails to specifically disclose a telephonic response system including voice recognition and generation functions. Applicants agree that Nemoto discloses those functions. Applicants, for the reasons stated in traversing the above rejections, maintain that adding the Nemoto feature to the other references fails to yield anything like the present invention.

The Examiner uses Hayashi - Reynolds, Dean and US 2004/0030557 A1 to Culy et al. (Culy) in asserting the obviousness of claims 6 and 7. First Applicants again point out that Hayashi does not deal with, e.g., a user's pronoun preferences. Hayashi, Applicants agree, does not disclose the elements described in Applicants' claims 6 and 7. Therefore,

Response to July 5, 2006 Office Action October 5, 2006

Page 3 of 8

AUS920030326US1

10/506,683

even if those features may be found in Culy, the combination will not yield the invention described in claims 6 and 7 because those claims include the elements of claim 4 which are not found in Hayashi – Reynolds and/or Dean. Culy discloses an apparatus and method for natural language understanding and provides for parsing in conjunction with speech recognition.

Claims 14 and 15 stand rejected in view of Hayashi – Reynolds, Nemoto and Culy. Applicants traverse primarily because of their interpretation of the teachings of Hayashi – Reynolds. Even if the elements the Examiner finds in the other references were exactly as he asserts, the combination does not yield Applicants' invention as described in the rejected claims.

In summary, Applicants believe their claims patentably define over the prior art as applied by the examiner. Hayashi's translation communication apparatus in combination with Reynolds call routing method and system based on user language associated with phone numbers do not render obvious Applicants' independent claims. Even if there was motivation for combining the other references with Hayashi, there is still not suggestion of Applicants' contribution of improving the user interface with automated computer systems, or the like, by analyzing user language usage pattern preferences and using the result of that analysis thereafter to modify subsequent presentations to that user from the system. A key distinction and difference is that Applicants use a user's preferred language usage patterns to modify subsequent information presented to that user and thereby improve user satisfaction with automated response computer driven systems.

Applicants therefore respectfully request the Examiner to reconsider and withdraw his rejections.

Respectfully submitted

*Andrea Pair Bryant*  
Andrea Pair Bryant, Reg. No. 28,191

Attorney for Applicants  
(512) 345-5806

Response to July 5, 2006 Office Action October 5, 2006

Page 4 of 8